

AMENDED IN SENATE APRIL 14, 2009

**SENATE BILL**

**No. 460**

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**Introduced by Senator Wolk**

February 26, 2009

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An act to add Part ~~2.3~~ 2.11 (commencing with Section ~~10580~~ 10920) to Division 6 of the Water Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 460, as amended, Wolk. Water conservation: ~~urban~~ *reduction in per capita water use.*

Existing law, the Urban Water Management Planning Act, requires each urban water supplier to prepare and implement a water management plan for the efficient use of available water supplies. *Existing law, the Agricultural Water Management Planning Act, requires every agricultural water supplier serving water directly to customers to prepare an informational report based on information from the last 3 irrigation seasons on its water management and conservation practices.*

~~This bill would state the intention of the Legislature to enact legislation~~ *require urban water suppliers and agricultural water suppliers to include additional information in their respective reports, including detailed descriptions and analysis of long-term plans to reduce water use through conservation and water use efficiency that would achieve a statewide 20% reduction in ~~urban~~ per capita water use by December 31, 2020.*

*The bill would require that the water suppliers submit their reports to an unspecified entity. The bill would create the unspecified entity and require it to develop a transparent process for the collection and analysis of the data submitted to it by the water suppliers, create and maintain a statewide database on water use, conservation, and water*

*use efficiency, and provide recommendations for improvement to the water suppliers' plans. The bill would also require the unspecified entity to submit an annual report to the Legislature.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. (a) The Legislature finds and declares all of the*  
2     *following:*

3     *(1) Water conservation and water use efficiency are central*  
4     *elements of the state's strategy to enhance water reliability, restore*  
5     *ecosystems, and respond to climate change and a growing*  
6     *population.*

7     *(2) Water conservation and water use efficiency must be part*  
8     *of a comprehensive solution that includes local resource*  
9     *development and infrastructure improvements, including storage*  
10    *and conveyance, as part of a statewide system that promotes*  
11    *economic and environmental stability.*

12    *(3) Accomplishing water conservation and water use efficiency*  
13    *goals will require statewide action by all water users, including*  
14    *residential, commercial, industrial, and agricultural users, local*  
15    *and regional planning agencies, state and federal agencies,*  
16    *chambers of commerce, and business, commercial, and industrial*  
17    *professional and trade associations.*

18    *(4) Conservation and water use efficiency programs must be*  
19    *consistent with state law and should strengthen and not weaken*  
20    *the water rights of California communities.*

21    *(b) Therefore, it is the intent of the Legislature to do all of the*  
22    *following:*

23    *(1) Establish a statewide, transparent process to accomplish*  
24    *the Governor's goal of a 20 percent per capita reduction in water*  
25    *usage by 2020, and to otherwise encourage conservation and water*  
26    *use efficiency.*

27    *(2) Encourage better management practices in urban areas that*  
28    *reduce per capita water use consistent with the Governor's goal*  
29    *on a statewide, aggregate basis.*

30    *(3) Encourage maximum water use efficiency in the commercial,*  
31    *institutional, industrial, and agricultural sectors to reduce overall*

1 *water use while maintaining and improving economic output and*  
2 *productivity.*

3 *(4) Acknowledge that conservation, improved water use*  
4 *efficiency, and development of local resources, such as water*  
5 *reuse, recycling, desalination, and stormwater capture, all*  
6 *contribute to better water management and all should be credited*  
7 *against the goals established by local agencies under this*  
8 *legislation.*

9 *(5) Acknowledge that incentive-based programs will be more*  
10 *effective in improving water management than command and*  
11 *control approaches.*

12 *(6) Recognize that “one size does not fit all” and seek to allow*  
13 *local agencies the flexibility to tailor water use reduction efforts*  
14 *that account for variations in local circumstances, including local*  
15 *climate conditions, population growth, industrial composition,*  
16 *characteristics of local watersheds and groundwater basins, and*  
17 *previous conservation and water use efficiency efforts.*

18 *(7) Appreciate that success will depend upon creating an*  
19 *effective, transparent process for the reporting, monitoring, and*  
20 *analysis of data on water use and water conservation and efficiency*  
21 *measures and the progress of local agencies in meeting long-term*  
22 *conservation and water use efficiency goals.*

23 *SEC. 2. Part 2.11 (commencing with Section 10920) is added*  
24 *to Division 6 of the Water Code, to read:*

25  
26 *PART 2.11. THE CALIFORNIA WATER USE EFFICIENCY AND*  
27 *CONSERVATION ACT*

28  
29 *CHAPTER 1. URBAN WATER SUPPLIERS*

30  
31 *Article 1. Definitions*

32  
33 *10920. Unless the context requires otherwise, the definitions*  
34 *set forth in this article govern the construction of this chapter.*

35 *10921. “Best management practices” means water use*  
36 *efficiency measures that are adopted by the California Urban*  
37 *Water Conservation Council.*

38 *10922. “Locally cost effective” means that the present value*  
39 *of the local benefits of implementing a best management practice*  
40 *is greater than or equal to the present value of the local cost of*

1 *implementing that practice. The procedures for calculating local*  
2 *cost effectiveness shall be developed by the \_\_\_\_ pursuant to*  
3 *Section \_\_\_\_.*

4 10923. “Water conservation” means any reduction in applied  
5 water use including preventing waste or accomplishing additional  
6 benefits with the same amount of water.

7 10924. “Water use efficiency” means using water more  
8 efficiently to reduce demand for a given level of production.

9 10925. “Urban water supplier” means either of the following:

10 (a) An urban retail water supplier, either publicly or privately  
11 owned, that directly provides municipal water to more than 3,000  
12 end users or that supplies more than 3,000 acre-feet of water  
13 annually.

14 (b) An urban wholesale water supplier, either publicly or  
15 privately owned, that provides more than 3,000 acre-feet of water  
16 annually at wholesale for municipal purposes.

## 17 18 Article 2. Reduction of Urban Water Use

19  
20 10926. (a) Every urban water supplier that is required to  
21 prepare and adopt an urban water management plan pursuant to  
22 Section 10620 shall include all of the following in that plan:

23 (1) A detailed description and analysis of a long-term plan to  
24 reduce water use through conservation and water use efficiency  
25 measures, including commitments to achieving the goal of a 20  
26 percent per capita reduction in water usage no later than  
27 December 31, 2020.

28 (2) A full implementation of best management practices that  
29 are locally cost effective and technically feasible, and  
30 implementation of local resource projects.

31 (3) Per capita use reduction objectives for residential water  
32 use.

33 (4) Maximum efficiency gains for commercial, industrial, and  
34 institutional use.

35 (b) In addition, the plan shall also do both of the following:

36 (1) Consider the water-energy interface to maximize energy  
37 efficiency gains associated with changing water use.

38 (2) Consider changes in patterns of beneficial uses, both indoors  
39 and outdoors, that maintain quality of life while helping achieve  
40 long-term goals.

10927. Every urban water supplier that is required to prepare and adopt an urban water plan shall submit its plan to \_\_\_\_ for evaluation and reconciliation. \_\_\_\_ shall evaluate the plans, determine whether they will collectively accomplish the statewide goal of a 20 percent per capita reduction in water usage by the year 2020, and make recommendations for modifying the plans to increase conservation and water use efficiency. Every urban water supplier shall provide annual progress reports to \_\_\_\_ that identify, as appropriate, modifications to the plans to help to accomplish the statewide goal.

10928. Any improvements in water use efficiency achieved by implementation of this part shall be considered to be water conservation subject to the protections of Section 1011.

10929. Data relating to water use efficiency and reports prepared pursuant to this chapter shall not be admissible as evidence that any person has failed to comply with the provisions of Section 2 of Article X of the California Constitution or Section 100 of this code. These data and reports shall not be used as part of any action by the department or the board pursuant to Section 275.

10930. An urban water supplier's failure to meet any interim milestone toward any water conservation or water efficiency goals established pursuant to this part shall not be admissible as evidence that any person has failed to comply with the provisions of Section 2 of Article X of the California Constitution or Section 100 of this code. That failure shall not be used as part of any action by the department or the board pursuant to Section 275.

10931. An urban water supplier that does not prepare, adopt, and submit its plan to \_\_\_\_ in accordance with this part is ineligible to receive funding pursuant to Division 24 (commencing with Section 78500), or Division 26 (commencing with Section 79000), or receive drought assistance until the plan is submitted pursuant to this chapter.

## CHAPTER 2. AGRICULTURAL WATER SUPPLIERS

### Article 1. Definitions

10932. Unless the context requires otherwise, the definitions set forth in this article govern the construction of this chapter.

10933. “Agricultural water supplier” means a supplier, either publicly or privately owned, supplying more than \_\_\_\_ acre-feet of water annually for agricultural purposes. An agricultural water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers.

10934. “Efficient water management practices” means reasonable and economically justifiable programs to improve the delivery and use of water for agricultural purposes.

10935. “Locally cost effective” means that the present value of the local benefits of implementing a best management practice is greater than or equal to the present value of the local cost of implementing that practice. The procedures for calculating local cost effectiveness shall be developed by \_\_\_\_ pursuant to Section 10943.

## Article 2. Reduction of Agricultural Water Use

10936. An agricultural water supplier shall prepare and adopt an agricultural water management plan in the manner set forth in Section 10821 on or before December 31, \_\_\_\_\_. An agricultural water supplier that is a member of the Agricultural Water Management Council and submits a water management plan to the council in accordance with the Memorandum of Understanding Regarding Efficient Water Management Practices by Agricultural Water Suppliers in California, dated January 1, 1999, may submit the water management plan identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of this section.

10937. (a) Every agricultural water supplier’s agricultural water management plan shall include all of the following:

(1) A detailed description and analysis of a long-term plan to reduce water use through conservation and water use efficiency measures, including commitments to achieving the goal of a 20 percent per capita reduction in water usage no later than December 31, 2020.

(2) A full implementation plan for efficient management practices that are locally cost effective and technically feasible.

(3) Maximum efficiency gains for agricultural use.

1     **(b)** *The plan shall also consider the water-energy interface to*  
2 *maximize energy efficiency gains associated with changing water*  
3 *use.*

4     10938. *Every agricultural water supplier shall submit its plan*  
5 *to \_\_\_\_ for evaluation and reconciliation. \_\_\_\_ shall evaluate the*  
6 *plans, determine whether they will collectively accomplish the*  
7 *statewide goal of a 20 percent per capita reduction in water usage*  
8 *by the year 2020, and make recommendations for modifying the*  
9 *plans to increase conservation and water use efficiency. Every*  
10 *agricultural water supplier shall provide annual progress reports*  
11 *to \_\_\_\_ that identify, as appropriate, modifications to the plans to*  
12 *help to accomplish the statewide goal.*

13     10939. *Any improvements in water use efficiency achieved by*  
14 *implementation of this part shall be considered to be water*  
15 *conservation subject to the protections of Section 1011.*

16     10940. *Data relating to water use efficiency and reports*  
17 *prepared pursuant to this chapter shall not be admissible as*  
18 *evidence that any person has failed to comply with the provisions*  
19 *of Section 2 of Article X of the California Constitution or Section*  
20 *100 of this code. Those data and reports shall not be used as part*  
21 *of any action by the department or the board pursuant to Section*  
22 *275.*

23     10941. *An agricultural water supplier's failure to meet any*  
24 *interim milestone toward any water conservation or water*  
25 *efficiency goals established pursuant to this part shall not be*  
26 *admissible as evidence that any person has failed to comply with*  
27 *the provisions of Section 2 of Article X of the California*  
28 *Constitution or Section 100 of this code. That failure shall not be*  
29 *used as part of any action by the department or the board pursuant*  
30 *to Section 275.*

31     10942. *An agricultural water supplier that does not prepare,*  
32 *adopt, and submit its plan to \_\_\_\_ in accordance with this part is*  
33 *ineligible to receive funding pursuant to Division 24 (commencing*  
34 *with Section 78500), or Division 26 (commencing with Section*  
35 *79000), or receive drought assistance until the plan is submitted*  
36 *pursuant to this chapter.*

1     *CHAPTER 3. REPORTING, MONITORING, AND EVALUATION OF*  
2                                     *PLANS*

3  
4     10943. There is in the State of California the \_\_\_\_\_. The \_\_\_\_\_  
5 shall do all of the following:

6     (a) Develop an open and transparent process for the collection  
7 and analysis of data required by this part.

8     (b) Develop standardized procedures for determining local cost  
9 effectiveness.

10    (c) Create and maintain a statewide database on water use,  
11 conservation, water use efficiency, and local resource development  
12 throughout California.

13    (d) Receive and evaluate the long-term conservation and water  
14 use efficiency plans submitted under this part.

15    (e) Assess whether the plans collectively will accomplish the  
16 statewide conservation and water use efficiency goal of a 20  
17 percent per capita reduction in water usage by the year 2020.

18    (f) Provide recommendations for improvements to the plans to  
19 help meet the statewide conservation and water use efficiency goal.

20    (g) Submit an annual report to the Legislature on or before  
21 December 31, \_\_\_\_\_, and each year thereafter.

22     SECTION 1. Part 2.3 (commencing with Section 10580) is  
23 added to Division 6 of the Water Code, to read:

24  
25                     ~~PART 2.3. WATER CONSERVATION~~

26  
27             ~~CHAPTER 1. GENERAL DECLARATIONS AND POLICY~~

28  
29     ~~10580. The Legislature finds and declares all of the following:~~

30     ~~(a) Adequate water supplies and a healthy ecosystem must be~~  
31 ~~primary coequal goals for sustainable water management in~~  
32 ~~watersheds throughout the state.~~

33     ~~(b) Common sense requires substantial changes in the way we~~  
34 ~~invest in and operate the state's water supply systems.~~

35     ~~(c) A sustainable aquatic environment, and reliable, high quality~~  
36 ~~water supplies are both of critical importance and one cannot be~~  
37 ~~accomplished without the other.~~

38     ~~(d) Accomplishing water use efficiency goals will require~~  
39 ~~statewide action by all water users.~~



1     ~~(e) Water use efficiency programs are best overseen by local~~  
2     ~~officials who are responsible for designing and implementing them.~~

3     ~~(f) Implementation of water use efficiency must be consistent~~  
4     ~~with current state law and must not be allowed to undermine the~~  
5     ~~water rights of agencies implementing water efficient programs.~~

6     ~~(g) Incentive-based water use efficiency programs will be more~~  
7     ~~effective than programs based on the enforcement of mandates by~~  
8     ~~state or other entities.~~

9     ~~10581. It is the intent of the Legislature to enact legislation~~  
10    ~~that achieves the Governor's stated goal of reducing urban water~~  
11    ~~use by 20 percent, on or before December 31, 2020, which~~  
12    ~~translates into a statewide aggregate of 1,740,000 acre-feet, to be~~  
13    ~~accomplished through both a reduction in water use and the~~  
14    ~~increased efficient use of water.~~